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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/768,892	01/24/2001	Stephen A. Sprigg	PA000408	4218

23696 7590 04/19/2005

Qualcomm Incorporated
Patents Department
5775 Morehouse Drive
San Diego, CA 92121-1714

EXAMINER

NGUYEN, TU X

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/768,892

Applicant(s)

SPRIGG, STEPHEN A.

Examiner

Tu X Nguyen

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-7, 9-15 is/are pending in the application.
- 4a) Of the above claim(s) 2 and 8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-7 and 9-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claims 2 and 8 have been cancelled.

Response to Amendment

1. Applicant's arguments filed 2/10/05 have been fully considered but they are not persuasive.

Applicants argue that, page 6, 1st paragraph and page 9, Tsukamoto is absent any discussion, teaching or suggestion of the displaying of schedule data, or scrolling such schedule data, in response to a change in current time of day information. With all due respect, the examiner disagrees. Tsukamoto disclose in Figure 26, block 801 and col. shows the schedule line-by-line, fig.11. The first line is 9:00-12:00, one of ordinary skill in the art could recognize that, the time 8:00-9:00 have just passed and at the current time is scrolling up, therefore, the current time schedule is now 9:00-12:00 and when the time passed beyond 12:00, the line 9:00-12:00 is no longer exist and the first line will be 10:00-11:00.

Applicant argue, pages 7-8, "A Date is NOT a Current Time of Day". However, Tsukamoto et al. disclose "when the flag is raised, the received schedule is immediately displayed" (see col.14 lines 38-39) and the flag is triggered by a timer, which indicates the present year, month, day, hour, minute, and second (see col.6 lines 40-42), the present time is compared with the time set in the schedule.. If the there is coincidence, the program goes to next step (see col.20 lines 41-50).

Claim Rejections - 35 USC § 102

Art Unit: 2684

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsukamoto et al. (US Patent 5,128,981).

Regarding claims 1 and 7, Tsukamoto et al. disclose a mobile communication terminal (fig.5), comprising:

a storage (922, 923 fig.15) for storing a database of schedule data including data relating to time of day (see col.6 lines 40-52);

a display (119, fig.15) for displaying selected information from said database, the display communicatively coupled to the storage; and

a time reference for providing current time of day information, wherein the displayed selected information is variable dependent on the current time of day information (see col.6 lines 40-41, col.14 lines 35-40);

wherein the selected information is displayed as a sequential list that scrolls in response to a change in current time of day information a sequence list that scrolls as the current time of day information changes (see fig.11 and 800-801, fig.26 shows the schedule line by line. The first line is 9:00-12:00, one of ordinary skill in the art could recognize that, the time 8:00-9:00 have just passed and at the current time is scrolling up, therefore, the current time schedule is now 9:00-12:00 and when the time passed

Art Unit: 2684

beyond 12:00, the line 9:00-12:00 is no longer exist and the first line will be 10:00-11:00.).

Regarding claims 3 and 9, Tsukamoto et al. disclose the display is arranged to indicate which of the displayed selected information corresponds to the current time of day information (see fig.9).

Regarding claims 4 and 10, Tsukamoto et al. disclose a user input device arranged to allow input of said schedule data (see fig.6).

Regarding claims 5 and 12, Tsukamoto et al. disclose everything as claim 1 above. More specifically, Tsukamoto et al. disclose a list of at least two of said schedule data an a time of day indicator (see fig.11); a digital processing device providing current time of day formation (see col.18 lines 45-49).

Regarding claims 6 and 13, Tsukamoto et al. disclose the position of said time of day indicator relative to said one of said at least two displayed schedule data is variable in accordance with the current time of day information and the duration of said item of said displayed schedule data (see fig.11)

Regarding claims 11 and 14, Tsukamoto et al. disclose a programmable mobile terminal (see col.16 lines 55-56).

Regarding claim 15, Tsukamoto et al. disclose a computer program recorded on a carrier (see col.7 lines 9-10 and col.6 lines 3-59).

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed Tu Nguyen whose telephone number is 703-272-7883. The examiner can normally be reached on Monday through Friday from 8:30AM-4:30PM.

Art Unit: 2684

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MAUNG NAY A, can be reached at (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Hand-delivered responses should be brought to Crystal Park II, 2121
Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

TN

April 4, 2005

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EDAN ORGAD
PATENT EXAMINER/TELECOMM.